

Remarks:

The examiner has rejected claims 1-12, 28-35 and 39-50 as being obvious over the Kumagai et al. reference.

Regardless of whether the Kumagai et al reference is properly citable against the claims of the present application (which is not admitted), it is respectfully submitted that the aforementioned claims are patentable over Kumagai et al. and the examiner is respectfully requested to reconsider his position.

The examiner states that Kumagai et al. "lacks the monument being a hydrant with the reference point being at a specific location on the hydrant and the use of a geographical information system to obtain the known location of the monument. Monuments are known to be a variety of shapes with the main requirement being that the monument is located at a known location. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the reference datum of Kumagai et al on a hydrant or any other device at a known location since the shape of the monument is not critical."

It is respectfully submitted that the examiner has failed to recognize the inventiveness of recognizing and then selecting from all known devices the hydrant as having particular, previously unrecognized, advantages and features as a monument. For example, as disclosed at page 11, lines 13-15 fire hydrants are typically spread throughout the community at spaced but not infrequent intervals...and are generally located in highly visible locations. At page 14, lines 4-5, it is disclosed that the hydrant monument of the present invention is relatively easy to locate, even when climate conditions are adverse (eg. snow).

The recognition and selection of the hydrant as a monument by the present inventor, is akin to a patentable selection made in a chemical context.

Likewise, the use of a geographical information system that incorporates identifying a

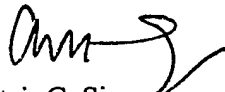
hydrant monument (as opposed to any other device) and accessing the geographical information system to ascertain the location information of the hydrant, results from the aforesaid recognition of advantages, and selection of the hydrant from all other known devices that could be used as a monument.

In view of the foregoing it is submitted that the claims 1-12, 28-35 and 39-50 are patentable over the prior art of record.

It is believed that no new matter has been added by any of the foregoing amendments.

Applicant requests favourable reconsideration and allowance of this application.

Respectfully submitted,



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